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and Bayer HealthCare Pharmaceuticals Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Bayer Schering Pharma AG &  
Bayer HealthCare Pharmaceuticals Inc.,

Plaintiffs,

v.

Lupin Limited & Lupin Pharmaceuticals, Inc.

Defendants.

Case No. 2:10-cv-01166-KJD-RJJ

**Motion For Leave To File The Declaration  
Of Sundeep K. Addy In Support of Bayer's  
Memorandum Of Points And Authorities  
In Opposition To The Lupin Defendants'  
Motion For Summary Judgment That The  
Claims Of United States Reissue Patent No.  
37,564 Are Invalid As Obvious Under Seal**

1 Pursuant to the Protective Order in the above-captioned case (Doc. 17), Plaintiffs Bayer  
2 Schering Pharma AG and Bayer HealthCare Pharmaceuticals Inc. (collectively, "Bayer") seeks  
3 leave to file under seal certain exhibits attached to the concurrently-filed The Declaration Of  
4 Sundeep K. Addy In Support of Bayer's Memorandum Of Points And Authorities In Opposition  
5 To The Lupin Defendants' Motion For Summary Judgment That The Claims Of United States  
6 Reissue Patent No. 37,564 Are Invalid As Obvious ("Addy Declaration"). In support of this  
7 Motion, Bayer states as follows:

8 1. The Protective Order in this case permits each party to designate certain  
9 information produced during discovery as "CONFIDENTIAL" if the designating party reasonably  
10 believes that the information should be protected from public disclosure. (Doc. 17 at 2-3.) The  
11 Protective Order further specifies that the parties may file documents under seal under an order of  
12 this Court for cause shown. (*Id.* at 13).

13 2. Certain exhibits attached to the Addy Declaration consist of documents that the  
14 parties have designated as "CONFIDENTIAL" in this case.

15 3. Bayer therefore seeks leave of the Court to file the Addy Declaration and  
16 accompanying exhibits under seal.

17 4. In addition, Bayer has concurrently filed a public version of the Addy Declaration  
18 which redacts only those exhibits that need to remain confidential under the protective order.  
19 Specifically, Bayer seeks leave to file under seal Exhibits 1, 5, 7, 12, and 22-28. The remainder of  
20 the Exhibits to the Addy Declaration will not remain under seal.

1 Respectfully Submitted: July 15, 2011

2  
3 /s/ Michael J. McCue

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21 *Attorneys for Plaintiffs Bayer Schering Pharma AG and*  
22 *Bayer HealthCare Pharmaceuticals Inc.*

23 IT IS SO ORDERED.

24   
U.S. MAGISTRATE JUDGE

25 DATE: JULY 21, 2011